IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Eitan MARCUS

Application No.: 10/040,940

Filed: January 9, 2002

For: ADAPTIVE TEST GENERATION

Art Unit: 2863

Examiner: X. Sun

Washington, D.C.

Atty.'s Docket: ADIR=1

Date: December 8, 2004

Confirmation No. 5128

Customer Window, Mail Stop Amendments
THE COMMISSIONER OF PATENTS
2011 South Clark Place, Mail Stop
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Transmitted herewith is an <u>Response</u> in the above-identified application.

[ ] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] No additional fee is required.

[ ] The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA EQUALS		SMALL ENTITY RATE	ADDITIONAL FEE	OR	OTHER THAN SMALL ENTITY RATE	ADDITIONAL FEE
TOTAL	* 22	MINUS	** 53	0	x	9	$		x 18	$
INDEP.	* 4	MINUS	*** 6	0	x	44	$		x 88	$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+	150	$		+ 300	$
				ADDITIONAL FEE TOTAL			$	OR	TOTAL	$

*   If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

**   If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within
[ ]   First   - $ 55.00
[ ]   Second - $ 215.00
[ ]   Third   - $ 490.00
[ ]   Fourth - $ 765.00
Month After Time Period Set

Other Than Small Entity
Response Filed Within
[ ]   First   - $ 110.00
[ ]   Second - $ 430.00
[ ]   Third   - $ 980.00
[ ]   Fourth - $ 1530.00
Month After Time Period Set

[ ]   Less fees ($_____) already paid for ___ month(s) extension of time on _____.

[ ] Please charge my Deposit Account No. 02-4035 in the amount of $_____.

[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of $_____.

[ ] A check in the amount of $_____ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does <u>not</u> include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: ADIR=1

In re Application of:	)	Art Unit: 2863
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Eitan MARCUS et. al	)	Examiner: X. Sun
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For: ADAPTIVE TEST GENERATION	)	December 8, 2004
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RESPONSE TO OFFICIAL ACTION UNDER 37 C.F.R. § 1.116

Customer Window, Mail Stop Amendments **AF**
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Replying to the Office Action mailed October 12, 2004, reconsideration is respectfully requested:

Rejections under 35 U.S.C. § 103

First Rejection.

Claims 54-65 and 71-75 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shrote, U.S. Patent No. 5,774,358 in view of Liu, U.S. Publication 20030158720. This rejection is respectfully traversed.